

Item \_\_\_\_\_

Prepared by \_\_\_\_\_

Approved by \_\_\_\_\_

**RESOLUTION BY THE BOARD OF COMMISSIONERS OF SHELBY COUNTY, TENNESSEE APPROVING PROPOSED LEGISLATION AND REQUESTING THE MEMBERS OF THE TENNESSEE GENERAL ASSEMBLY SUPPORT LEGISLATION AMENDING TENNESSEE CODE ANNOTATED, TITLE 40, CHAPTER 35, RELATIVE TO ENHANCED SENTENCING FOR REPEAT FELONY AND MISDEMEANOR OFFENDERS.” SPONSORED BY COMMISSIONER MIKE RITZ.**

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**WHEREAS**, Current sentencing laws may not deter career criminals who already have multiple felony and/or misdemeanor convictions; and

**WHEREAS**, Repeat offenders with multiple felony convictions often obtain release from prison before serving their full sentence; and

**WHEREAS**, Career criminals who cannot conform their behavior to the law should be removed from the streets for the safety and welfare of the general public; and

**WHEREAS**, Unlike current Tennessee law, half of our sister states and the federal government have adopted three strikes laws which provide longer prison terms and decreased availability of parole and other forms of release for repeat felony offenders; and

**WHEREAS**, the Board of County Commissioners of Shelby County, Tennessee believes that it is appropriate that a resolution be passed requesting the Tennessee General Assembly to amend Tenn. Code Ann., Title 40, Chapter 35 relative to enhanced sentencing for repeat felony and misdemeanor offenders so as to strengthening current sentencing guidelines.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE**, that this Board, after careful consideration hereby requests the members of the Tennessee General Assembly enact legislation amending Tennessee Code Annotated, Title 40, Chapter 35, a copy of which is attached hereto and incorporated herein by reference, relative to enhanced sentencing for repeat felony and misdemeanor offenders.

**BE IT FURTHER RESOLVED**, that the Shelby County Legislative Delegation and members of the Tennessee General Assembly be made aware of this request by copy of this resolution.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately, the public welfare requiring the same.

\_\_\_\_\_  
A C Wharton, Jr. Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_

An act to enhance sentencing under Tennessee Code Annotated, Title 40, Chapter 35, relative to enhanced sentencing for repeat felony and misdemeanor offenders.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. Tennessee Code Annotated Title 40, Chapter 35 is amended along with the sentencing guidelines by amending all applicable sections to include therein:

- a) Longer release eligibility dates for convicts with more than one felony conviction.
- b) Escalating release eligibility dates that require convicts serve 100 percent of their sentence upon the third felony conviction.
- c) Strengthened language that mandates felony offenders with more than one conviction serve until their release eligibility date without the availability of alternative sentencing, parole, or other form of release, including but not limited to community custody, earned release time, furlough, home detention, partial confinement, work crew, work release or probation.

SECTION 2. Tennessee Code Annotated, Title 40, Chapter 35 is amended along with the sentencing guidelines by amending all applicable sections to include therein:

Any person convicted of a misdemeanor, who has been previously been convicted of ten or more misdemeanors, shall be treated as if they had committed a class E felony.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.

## **SUMMARY SHEET**

### **I. Description of Item**

This resolution requests the Tennessee General Assembly support legislation to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to enhanced sentencing for repeat felony and misdemeanor offenders.

This request would modify the current system by requiring an escalating sentence portion served for second and subsequent felony conviction by reducing availability of alternate sentencing and all forms of release, such as parole and probation. It would mandate that upon a third felony conviction, 100 percent of the sentence be served. It would also mandate that the 11th misdemeanor conviction be treated for all purposes as a class E felony.

### **II. Source and Amount of Funding**

Not applicable.

### **III. Contract Items**

Not applicable.

### **IV. Additional Information Relevant to Approval of this Item**

Not Applicable.